UNITED NATIONS **E**

Economic and Social Council

Distr.
GENERAL

E/CN.4/Sub.2/2002/SR.14
15 August 2002

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

Fifty-fourth session

SUMMARY RECORD OF THE 14th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 8 August 2002, at 3 p.m.

Chairperson: Mr. PINHEIRO

later: Ms. ZERROUGUI
(Vice-Chairperson)

later: Mr. PINHEIRO
(Chairperson)

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GE.02-14791 (E) 120802 150802

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(a) RACISM, RACIAL DISCRIMINATION AND XENOPHOBIA

(b) PREVENTION OF DISCRIMINATION AND PROTECTION OF INDIGENOUS PEOPLES

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The meeting was called to order at 3.20 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII) (agenda item 2) (continued)

1. The CHAIRPERSON read out the following draft statement which the Sub-Commission might wish to adopt:

> "The Sub-Commission on the Promotion and Protection of Human Rights, recalling Commission on Human Rights resolution 2002/77 of 25 April 2002 and its own resolution 2000/17 of 17 August 2000, wishes to draw the urgent attention of the United States authorities to the situation of Mr. Javier Suárez Medina, a Mexican national detained on death row in the State of Texas for 13 years who is scheduled to be executed by lethal injection on 14 August 2002.
>
> "Javier Suárez Medina was only 19 years old when he was sentenced to death, and a number of serious breaches of his right to a defence occurred during his trial. In particular, United States authorities did not comply with their obligations pursuant to article 36 of the Vienna Convention on Consular Relations of 1963 which guarantees consular assistance for foreign detainees.
>
> "These obligations have been strongly reaffirmed by the Inter-American Court of Human Rights in its Advisory Opinion OC-16/99 of 1 October 1999. The Right to Information on Consular Assistance in the Framework of the Guarantees of the Due Process of Law, and by the International Court of Justice in its Judgment in the LaGrand case (Germany v. United States) on 27 June 2001.
>
> "The Sub-Commission urges the United States authorities to do everything possible to stay the execution of Mr. Suárez and to re-examine his case, guaranteeing him his right to consular protection and to a fair trial."

2. The draft statement was adopted.

3. Mr. ALFONSO MARTÍNEZ said that he was usually reluctant to consider cases of a supposedly urgent nature during a session of the Sub-Commission. However, in the case in point, the State in question had blatantly denied the prisoner his right to consular protection. Consequently, he had had no hesitation in joining the current consensus.

4. Mr. HERNÁNDEZ BASAVE (Observer for Mexico) said that in view of the importance his Government attached to the abolition of the death penalty, he greatly appreciated the opportunity given him to refer to the case in point. His Government reiterated its right to talk to Mexican citizens anywhere, whenever they had been detained by foreign authorities, particularly where the charges brought against them carried the death penalty.

5. Advisory opinion OC-16/99 of the Inter-American Court of Human Rights had recalled the importance of article 36 of the Vienna Convention on Consular Relations, stating that the right to information on consular assistance was one of the most basic components of the right to a fair trial. The consensus in international law clearly indicated that consular assistance was a fundamental part of the provisions for due process under article 14 of the International Covenant on Civil and Political Rights.

6. Moreover, in the LaGrand (Germany v. United States of America) judgement of 27 June 2001, the International Court of Justice had found that, when State authorities failed to guarantee the right to information on consular assistance in a case involving the death sentence, that State was under an obligation to provide an effective form of reparation for the violation. Irrespective of its opposition to capital punishment in general, his Government attached considerable importance to the case of Mr. Javier Suárez Medina, inasmuch as it exemplified a serious violation of obligations arising under the Vienna Convention on Consular Relations.

PREVENTION OF DISCRIMINATION:

(a) RACISM, RACIAL DISCRIMINATION AND XENOPHOBIA

(b) PREVENTION OF DISCRIMINATION AND PROTECTION OF INDIGENOUS PEOPLES

(c) PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

(agenda item 5) (E/CN.4/Sub.2/2002/19 and Corr.1, E/CN.4/Sub.2/2002/20-24, 25 and Add.1-3, 26, 40, 43 and 44; E/CN.4/Sub.2/2002/NGO/5, 8, 13, 21, 26 and 28; E/CN.4/Sub.2/AC.4/2002/6)

7. Mr. EIDE, Chairperson-Rapporteur of the Working Group on Minorities, introducing the report of the Working Group on its eighth session (E/CN.4/Sub.2/2002/19), said that the main purpose of the Working Group was to propose constructive solutions to the various problems encountered by minority peoples, and stressed that actions undertaken by Governments to maintain law and order should always be measured against international human rights standards. At its eighth session, the Working Group had entered into a detailed, thematic discussion on autonomy and integration, followed by a discussion on the outcome of regional seminars. It had also addressed the right to development of minorities, an issue that merited close attention at future meetings of the Social Forum. It had established, as priorities for its future work the development and minorities issue, the drafting of a code of conduct on the implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and closer contacts with national institutions for the promotion and protection of human rights to encourage them to include minority rights issues in their work.

8. The Working Group recommended the establishment of a special procedural mechanism on the rights of persons belonging to minorities, such as a special rapporteur or representative. It welcomed the reaffirmation by the Commission on Human Rights of the obligation of States to protect the rights of minorities. In that regard, it emphasized the importance of the effective and fair administration of justice, effective implementation of legislation, and the need to develop

effective national remedies. It recommended that further regional seminars should be held by the Office of the High Commissioner for Human Rights (OHCHR), starting with a seminar on minority approaches in the Asian context.

9. He drew attention to the section of the report on recommendations concerning Afro-descendants and Africa. The Working Group recommended that States should take all necessary steps to remedy the consequences of the past exclusion of Afro-descendant people from political and developmental processes, including by the adoption of appropriate affirmative action. International organizations should also adopt measures to facilitate the enjoyment by Afro-descendants in the Americas of all human rights and the development of their communities.

10. Mr. SATTAR congratulated the Working Group on its decision to draft a code of conduct on the implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. Such a code would assist States that sought to fulfil their moral and legal responsibilities towards minorities, and would also chasten States that had failed to meet their human rights obligations.

11. He supported the Working Group's plans to develop closer contacts with national human rights groups devoted to the protection of minorities. The record showed that the reports of such groups were often more objective than statements by officials. Administrative authorities all too often tried to minimize the failure of their Governments to protect minority groups, and sometimes even connived at excesses against members of minorities regarded as opponents.

12. He was also in favour of country visits by independent experts, which could be enormously beneficial to States anxious to improve their human rights performance. He thus endorsed the recommendation that a special rapporteur or representative to be appointed to monitor the implementation of the rights of minorities.

13. However, the summary of the contribution of non-governmental organizations (NGOs) on the situation in Gujarat (para. 16) was sterile and uninformative. It failed to mention that, according to official reports, 900 innocent people had been killed, while many reputable NGOs and other sources put the figure much higher. It also failed to report that, even though the chief minister and administration of the State had been charged by Indian Parliamentarians with connivance in the carnage, mayhem and ethnic cleansing, no action had been taken against the perpetrators. In short, the balance of the report was not such as to contribute to the formation of an objective impression of the relative degree of seriousness of the violations it mentioned.

14. The Working Group would benefit from extending an invitation to representatives of aggrieved minorities to come and make a personal contribution to its work. A precedent had been set by the Social Forum, which had received valuable information from participants concerning globalization, poverty reduction and the right to food.

15. Ms. MOTOC said that the Working Group on Minorities set an example to the Sub-Commission because of its high degree of legal and analytical merit. She endorsed the initiative that a code of conduct be developed on the implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities in view

of the fact that relevant international case law had made considerable progress since the Declaration was first adopted in 1992. She proposed that the Working Group should also address the issue of the double discrimination suffered by women belonging to minorities.

16. Mr. YOKOTA said he believed that, as Rapporteur, Mr. Eide had consistently tried to be even-handed in his treatment of all the regions.

17. He agreed with Ms. Motoc that the Working Group should focus on the right to development and the economic, social and cultural rights of minorities. He was glad to see that it was tackling the complex issue of the balance between the collective rights of minority groups and the individual rights of the members of those groups.

18. He would welcome clarification of the reasons behind the references to indigenous peoples in the title and paragraph 13 of the report. The Working Group on Indigenous Populations was anxious to coordinate its work with that of other United Nations bodies discussing indigenous issues and would be interested to learn if the Working Group on Minorities was one of those bodies.

19. He would also like clarification of the aims of the proposed draft code of conduct, with particular reference to the persons or bodies to whom it would be addressed and to the obligations that it would contain.

20. Mr. BENGOA expressed his thanks to all those involved in the organization of the Regional Seminar on Afro-descendants in the Americas, held in Honduras in March 2002, which had been the first meeting on the subject to be held in the region. A first step in the follow-up to the Durban Conference, the meeting had addressed a theme that had not been much discussed in the Sub-Commission. It had established, however, that the Working Group on Minorities was the appropriate forum in which to continue that work.

21. He was pleased to be able to report that, as a direct result of that seminar, Honduras had recently ratified the International Convention on the Elimination of All Forms of Racial Discrimination. He called on other States that had not yet done so to ratify the Convention.

22. The Working Group would also be the appropriate body to monitor the situation of Afro-descendants in Colombia who, as a recent mission had found, were most at risk in the internal conflict and included a disproportionate number of internally displaced persons.

23. Lastly, he said that the reports of working groups frequently failed to reflect the full extent of their discussions because of the constraints on length. The relevant documents could usefully be posted on the OHCHR web site as a contribution to the discussion and to encourage its continuation.

24. Mr. KARTASHKIN said the issues the Working Group on Minorities dealt with acquired greater significance every year. Each report contained new proposals and recommendations, whose implementation would improve the situation of minorities. His one complaint about the current report was that several important issues had been excluded owing to the constraints on

length. It was most surprising, however, that no mention was made of the Working Group's findings following its visit to Mauritius. A number of the recommendations that had been made could be useful for other countries.

25. During the Working Group's session, a number of representatives of Governments had expressed disagreement with the allegation that discrimination existed in their countries. He suggested that, if a Government considered that such assertions could not be substantiated, it should invite the Working Group to visit the country to see for itself. It was difficult to accept the allegation that by no means all the information available to the Working Group was objective. All NGOs and academic institutions, for example, had the right to submit information - after the end of the session if necessary - and, if more objective information was available, it was up to them to submit it.

26. He believed in broadening the range of the Working Group's activities and obtaining information from all sources, thereby making it possible to present conclusions and recommendations for use by all States in improving the position of minorities.

27. Mr. SORABJEE said that the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities needed to be widely publicized. He suggested that a booklet should be produced in a number of languages and that the tenth anniversary of the Declaration should be extensively celebrated.

28. He was pleased to be able to report that the Declaration had recently been cited in the Supreme Court of India and that the commentary prepared by Mr. Eide in that connection had been much appreciated.

29. Ms. ZERROUGUI said that, as a new member of the Working Group, she had not previously realized the importance of its work. Its members were dealing with complex and sensitive matters and doing so with great skill. Moreover, Mr. Eide, as Chairman-Rapporteur, brought a significant additional dimension to its work.

30. Mr. PARK said that the Working Group was a model of the way in which such a thematic group should function. He supported its decision to draft a code of conduct and also Mr. Sorabjee's suggestion that the Declaration should be disseminated through a booklet with an accompanying commentary. He supported the organization of regional seminars (recommendation No. 8) and the suggestion that States should take steps to remedy the consequences of the past exclusion of Afro-descendant people from political and developmental processes (recommendation No. 12).

31. Mr. KIRKYACHARIAN (Movement against Racism and for Friendship among Peoples) said he found the expression "the development of minorities", as used in the report, ambiguous. He wondered whether the term "economic and cultural development of minorities" might not be more appropriate.

32. Mr. BARNES (Indigenous World Association) said, with reference to paragraph 12 of the report, that he was concerned at the idea that the definition of indigenous peoples was regarded as an "emerging issue". The identification of minorities was an issue quite separate

from that of the definition of indigenous peoples. The indigenous peoples' desire for self-identification had already been recognized; they did not wish to wait for Governments to identify them. They had not come from other territories but had had a relationship with the land and environment in their countries for thousands of years. He wondered why the question of definition had arisen.

33. Mr. ABUBAKR (All for Reparations and Emancipation), reviewing the history of the treatment of the issues of Afro-descendants and the legacy of the slave trade, paid tribute to the efforts of the Working Group, not least those of Mr. Bengoa which had been instrumental in ensuring recognition of Afro-descendants as a minority. He urged the Sub-Commission to endorse that recognition. The destruction of Afro-descendants' identity had denied them full equality before the law. He believed that, through the continuing efforts of the Sub-Commission and the Working Group on Minorities, Afro-descendants would be reinstated in the human family and reparations would become possible.

34. Mr. KARKLINS (Observer for Latvia), referring to recommendation No. 8, said he had no objection to the organization of seminars, and indeed his Government regularly held them on topics connected with the integration of minorities. However, his delegation disagreed with that recommendation inasmuch as it appeared to create an artificial framework of "post-Soviet space", comprising both the Baltic States and the Commonwealth of Independent States (CIS). His delegation had expressed its disagreement within the Working Group, but that had not been reflected in the report.

35. Mr. GUISSÉ said that care must be taken to avoid blurring the distinction between minorities and indigenous peoples - whose circumstances were quite different: indigenous peoples - unlike minorities - were defined by their relationship with the earth. In the case of both groups of people, the principle of self-determination needed to be analysed with great care and precision in order to avoid confusion in the activities of the respective working groups.

36. Mr. ALFONSO MARTÍNEZ said that the distinction between minorities and indigenous peoples had already been examined in a working paper prepared by Mr. Eide and the former Chairperson-Rapporteur of the Working Group on Indigenous Populations, Mrs. Daes (E/CN.4/Sub.2/2000/10). However, he agreed with the previous speakers that it was necessary to make a clear distinction between the two concepts in respect of the future activities of the two working groups. Cooperation between the two working groups was, however, vital; in particular, they should take into account in their work the criteria already developed by the Working Group on Indigenous Populations.

37. He endorsed recommendation No. 8 of the Working Group on Minorities that OHCHR should facilitate the organization of seminars on multiculturalism in Africa, paying particular attention to the concept of minorities and indigenous people in that continent. The borders of modern African States were, of course, the product of the colonial carve-up, so that it was not possible to focus on indigenous peoples to the exclusion of the rest of the population. That was a complex problem that would require the concerted attention of the two working groups.

38. Mr. EIDE, Chairperson-Rapporteur of the Working Group on Minorities, said he agreed that there was a considerable difference between the concept of indigenous peoples and that of minorities, but the difference was not very clear in some parts of the world. The concept of a minority was readily understood in a European context and that of an indigenous people in an American one but in Africa and parts of Asia the situation was less clear-cut. The two working groups should cooperate in exploring that question in an open-minded fashion. He stressed that the Working Group on Minorities saw the holding of an Asian seminar as a major event, the provisional subject for the seminar being the recognition of minorities in law and practice.

39. Mr. Sattar had made the valid point that the extensive information received by the Working Group on the tragic events in Gujarat had been heavily condensed in the report. The reason was that the report had had to be reduced from 32 to 16 pages because of the financial constraints facing OHCHR. In fact, given the wealth of information available, the report was tragically short, but the Working Group had decided to be as explicit as possible in its conclusions and recommendations.

40. He thanked Ms. Motoc for emphasizing the significance of focusing on "minorities and development", rather than the development of minorities. He agreed with her comments on the situation of women and certain of the ambiguous aspects related to it, such as the relationship between maintaining a traditional culture and women's liberation.

41. In reply to Mr. Yokota's question, the Working Group's target audience included not only Governments but also the specialized agencies and corporations. For example, the World Bank had developed a code of conduct or guidelines in respect of indigenous peoples and could build on that experience to develop a similar code for minorities, which would be useful to corporations operating in areas where minorities were living. Lastly, he highlighted the importance of the current work on Afro-American descendants and the follow-up to the seminar held in La Ceiba in March 2002.

42. Mr. ALFONSO MARTÍNEZ, Chairperson-Rapporteur of the Working Group on Indigenous Populations, introducing the report of the Working Group on its twentieth session (E/CN.4/Sub.2/2002/24), said that after a rather inauspicious start, when it had been forced to replace its irreplaceable Chairperson, Mrs. Daes, and doubts had been raised about the continued existence of the Working Group in the light of the establishment of the Permanent Forum on Indigenous Peoples and the appointment of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, the Working Group had had an unexpectedly successful session. In fact, more people had attended it than ever before, in a sign of the interest in indigenous issues by Governments and NGOs as well as by indigenous people themselves.

43. In many people's minds, once the Permanent Forum had become operational, the Working Group would become superfluous, and it was against that background that the Working Group had begun to seek ways to fulfil its original mandate, namely helping to end discrimination against indigenous populations - which were always referred to as "peoples" in the work and decisions of the Working Group, as that was what they really were - without duplicating the work of the Permanent Forum or Special Rapporteur. Much of the discussion at the twentieth session had centred on how the Working Group could meet that challenge and how

the three mechanisms could work together to complement each other's work. In response to the argument often put forward that high costs were a reason for disbanding the Working Group, he pointed out that the sessions of the Working Group were the least expensive of all the sessions of the intersessional working groups, as the participants were already in Geneva for the Sub-Commission's session.

44. The Working Group was thus entering a new phase of its activities and was adjusting its working practices accordingly. It had decided to allocate a specific task to each of its members and had even defined the main themes of its work for the next three years, in order to give a clear idea of the direction it wished to take. It looked to the Sub-Commission to convince the higher organs of the United Nations that the Working Group could coexist harmoniously and cooperate with the new mechanisms in a concerted effort to defend the rights of indigenous peoples and to review the various approaches to indigenous issues.

45. Of the Working Group's conclusions and recommendations, he drew particular attention to its request to the Sub-Commission to endorse its decision to declare Mrs. Daes, Chairperson-Rapporteur of the Working Group for nearly two decades, an honorary member of the Working Group. He believed that the response to that request should take the form of a decision by the Sub-Commission.

46. The format of the report itself differed from that in previous reports. It first covered the major issues raised by participants and then moved directly to general observations by members of the Working Group, before presenting its conclusions and recommendations. It contained details of the tasks assigned to individual members for the coming year and proposals for seminars: proposals for future studies to be carried out by the Working Group without financial implications, including studies on standard-setting in the area of indigenous issues, would be submitted to the Working Group at its next session.

47. Mr. GUISSÉ, speaking as a member of the Working Group, expressed his satisfaction at the widespread interest in the session and at the chairmanship of Mr. Alfonso Martínez and said he hoped that a strengthened Working Group would be able to continue its work. He stressed that there had been unanimous agreement among all participants that Mrs. Daes should be declared an honorary member of the Working Group.

48. Ms. Zerrougui, Vice-Chairperson, took the Chair.

49. The CHAIRPERSON suggested that the question-and-answer session on the report of the Working Group on Indigenous Populations could be more usefully held after all participants had had time to read the report, which had not yet been officially circulated.

50. It was so agreed.

51. Mr. WEISSBRODT, introducing his progress report on the rights of non-citizens (E/CN.4/Sub.2/2002/25) gave a summary of the document and its addenda, saying that international human rights law generally required States to treat citizens and non-citizens in the

same way and permitted few distinctions between the two categories in terms of rights. The few instances in which States might legally differentiate related mainly to political rights and situations of public emergency.

52. In general, non-citizens were protected from discrimination on grounds of national origin. Nevertheless, States enjoyed a certain discretion in regulating the entry, residence and naturalization of aliens. They might also extend reciprocal nationality-based immigration and residence preferences within a transnational legal or political order. Immigration status was another area in which States were permitted to make distinctions among non-citizens, to the detriment of undocumented ones.

53. He had encountered several methodological problems in preparing his survey of State practices (E/CN.4/Sub.2/2002/25/Add.3). One of them concerned the availability of information regarding the status and treatment of undocumented non-citizens and irregular migrants. In many cases, their very existence might not be recognized. Consequently, the actual problems facing undocumented non-citizens were not adequately reflected in the report. A further problem was the logistical challenge of trying to collect reliable data regarding actual State practices. He hoped that his final report in 2003 would be a more accurate one, as a result of the submission of relevant information from Governments, NGOs and others.

54. The Sub-Commission's request to the Commission for authority to disseminate a questionnaire to Governments, intergovernmental organizations, human rights treaty bodies and NGOs had not been approved until 25 April 2002 and, consequently, it had not been possible to receive many replies prior to the completion of the report in May. Additional replies would be very helpful for the final report and he urged all questionnaire recipients to respond and planned to extend the deadline for submission of comments to 15 November 2002.

55. Other efforts were under way to solicit comments on the report. For example, a round-table discussion of NGOs, sponsored by the United Nations High Commissioner for Refugees (UNHCR), had taken place in July 2002 and it was hoped that a meeting could be held in September with interested NGOs during the NGO preparatory week for the UNHCR Executive Committee session to discuss the report and encourage the submission of further information.

56. Continued discriminatory treatment of non-citizens demonstrated the need for clear, comprehensive standards governing the rights of non-citizens and their implementation by States. Problems relating to the treatment of non-citizens also arose under each of the international human rights instruments and the treaty bodies should therefore work together to establish a consistent structured approach to the protection of the rights of non-citizens.

57. Mr. DECAUX said that Mr. Weissbrodt had had the excellent idea of submitting his draft report to the members - and future members - of the Sub-Commission in advance, a very useful practice which could be generally adopted in the future. One difficulty in respect of the subject of the report was the discrepancy between legal and actual situations regarding citizenship.

58. In the case of the European Union, there was a real sense of "European citizenship" which paralleled "national citizenship" in a quasi-federal way and which had to be taken into account since otherwise the subject would be tackled from an incorrect standpoint. Non-Union nationals who had been resident in the Union for a long time provided an excellent illustration of the difference between de jure and de facto nationality. Many "second-generation" immigrants living in certain countries of Europe had very few links with their country of origin and sometimes did not even speak its language. However, a foreigner who had not received citizenship and was sentenced to a period of imprisonment would subsequently be deported to a country where he/she had no family or ties whereas a citizen, having served his/her sentence, would return to a normal life in his/her own country. The problem was not one of discrimination between Union citizens and non-Union citizens but one of discrimination between citizens and foreigners.

59. Another set of difficulties concerned the definition of "fundamental human rights". In the case of political rights, there were two lines of reasoning: bilateral or multilateral reciprocity, which encouraged States to set up protective regimes in the interests of their nationals, or a reasoning based on the individual and aimed at developing his/her rights. With regard to the right to vote in local government and European elections, the European Union had favoured the first approach while the Council of Europe had opted for a more liberal solution, granting the right to vote in local government elections to non-Union citizens also.

60. In the case of aliens in irregular situations - an expression he preferred to undocumented aliens - it was very important to determine the fundamental rights inherent in a human being. There seemed to be a legal void when it came to distinguishing between regular and irregular situations which would not be bridged by the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. It was virtually impossible for a person to have the right to a "legal personality", a civil status and a "normal family life" without him/her being in a regular situation.

61. Although addendum 3 on the practices in regard to non-citizens was very useful, it needed to be more systematic and above all, put into perspective. The questionnaire authorized by the Commission could have expressly consulted national institutions for the protection and promotion of human rights. National institutions had regularly urged rapid ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. To accelerate that ratification, he recommended that Mr. Weissbrodt should investigate the legal and political difficulties hampering the full success of that Convention by contacting all the States involved to learn their positions, difficulties and intentions.

62. Mr. KARTASHKIN said he was pleased that Mr. Weissbrodt's report had taken into account all the proposals made by members at the previous session of the Sub-Commission. The report examined a very sensitive issue and it was important to look carefully at some of the wording. For example, instead of enumerating the specific rights guaranteed to non-citizens under the International Covenant on Civil and Political Rights, it would be better to say that virtually all rights were guaranteed and then list the exceptions. Paragraph 19 of the report stated that the Covenant permitted differential treatment of non-citizens during times of public emergency, despite the fact that article 4 forbade measures that involved discrimination. However, such minor points did not detract from the overall quality of the report.

63. It would have been interesting to see more detail on discrimination against non-citizens since 11 September 2002, because steps had been taken by many Governments which needed to be investigated in greater detail. The report was positive in that, for the first time, it gave specific examples of discrimination against non-citizens in various successor States to the former Soviet Union, persons who did not have the right to vote, work for government bodies or travel freely. In that connection, he drew Mr. Weissbrodt's attention to the situation in Latvia, whose citizens were soon to become European Union citizens, and wondered how the Union should resolve the issue of the 50,000 non-citizens living in that country. He wondered whether Mr. Weissbrodt had any recommendations on that issue for the Sub-Commission.

64. Mr. Pinheiro resumed the Chair.

65. Mr. KARKLINS (Observer for Latvia) said he hoped that the notion of succession of States to which Mr. Weissbrodt referred in paragraph 44 of his report did not apply to Latvia. Upon regaining its independence, Latvia had reinstated the Constitution of 1922, which had subsequently been amended with a chapter on human rights. He had been surprised to see in paragraph 46 a reference to one document only on human rights which had been adopted by the Human Rights Committee seven years previously, whereas there had been many positive developments since that time. In fact, some European regional and international organizations dealing with questions of human rights among other issues had even closed their missions in Latvia and stopped monitoring procedures. Particular countries should not be singled out in thematic discussions or, if they were, the facts should be accurate.

66. Latvia had fulfilled all of the suggestions in paragraph 50 on how countries should treat non-citizens and had even gone beyond them with regard to rights of entry and residence. There was no differentiation in that respect between citizens and non-citizens and non-citizens enjoyed the same legal protection of the State as citizens when travelling abroad.

The meeting rose at 6 p.m.